

MAKING MINORITY GOVERNMENT WORK

Graham Fox

Contributing Writer Graham Fox joins the conversation of our October thematic on minority government, and suggests that while the current phase of minority House is indeed of the transitional variety, it's not known whether the transition is to a new majority period, or whether minority government will become a more permanent feature of our affairs. As long as the Bloc Québécois plays a dominant role in Quebec, majority outcomes are unlikely. "In order for Parliament to work," he concludes, "the duty to oppose' must rest on notions of answerability, accountability and constructive disagreement — not blind opposition."

Graham Fox, qui se joint au débat du mois dernier sur les gouvernements minoritaires, avance que si l'actuelle période de Parlements minoritaires est effectivement conjoncturelle, on ne peut encore déterminer si elle annonce un retour à la normale ou si elle se prolongera pour devenir un élément plus permanent de notre vie politique. Car tant que le Bloc québécois jouera un rôle dominant au Québec, l'élection de majorités restera improbable. « Pour assurer l'efficacité du Parlement, conclut-il, le "devoir de s'opposer" doit reposer sur les notions d'obligation de rendre compte, de responsabilité et de désaccord constructif plutôt que sur l'opposition systématique. »

In the October issue of *Policy Options*, Geoff Norquay asked whether minority governments are the new normal in federal politics and considered Canada's experience with minority governments throughout our history. Using Rhonda Lauret Parkinson and Jay Makarenko's taxonomy of minority governments (ad hoc minorities, loose alliance minorities, formal agreement minorities and coalition governments — see Mapleleafweb.com), Norquay observed that Canadian minority governments almost always are of the ad hoc variety, in which the governing party negotiates support for its legislative initiatives on a case-by-case basis, and have never moved beyond loose alliance along the collaboration chain.

To explain this phenomenon, Norquay considered the historical context in which minorities were elected and concludes that, by and large, minorities are "transitional — a halfway house in the movement from a government of one political stripe to another." At other times, they emerge as a result of a change in the party system, caused by either the fragmentation of electoral coalitions and/or the emergence of new parties. In either case, minorities signal a political system in flux and a transition to a new order. Consequently, their governments are necessarily unstable: the incentive for all parties is to focus on the short play, create a partisan advantage and go to the polls at the first opportunity. To

borrow a phrase, they are by design meant to be nasty, brutish and short.

Of course, there is ample historical evidence to support this view of minority governments. Certainly the minority governments of the 1950s, the 1960s and, to an extent, 1979 did in fact signal the end of the established political order and the emergence of a new one. The critical question Norquay raises in his article is: Does the current set of minority governments fit this mould? Are we working through a transition to a new period of majority-government stability, in which one of our parties will establish itself as the dominant political force? Or, in the alternative, are these minority governments somehow materially different from past ones, and might they from now on be a more permanent feature of our politics?

Interestingly, this current crop of minorities is the product of both types of transitions Norquay describes. After a long period of Liberal rule, a newly reunited Conservative Party mounted a strong challenge for the first time in over a decade. Torn between punishing an incumbent that had grown tired and arrogant in office, and not yet being fully confident that they could entrust the keys to 24 Sussex to an unproven political force, voters opted for a divided House. In addition, the continued strength of the Bloc Québécois added a significant structural impediment to the election of a majority government. The union of the Reform/Alliance

and the Progressive Conservatives certainly made the party system more competitive, but until Humpty Dumpty was completely put back together again, it would be difficult for any party to establish itself as a majority party. Thus, at a minimum, these minorities are different from past experiences in that they are the product of both “transitions,” creating a minority-government perfect storm.

It would be easy to conclude, therefore, that this current string of minority governments will last until the Bloc is displaced as the dominant political force in francophone Quebec. Simple arithmetic makes clear that, as long as some 50 seats out of 308 are off the table for either the Conservatives or the Liberals, hitting the magic number of 155 seats required to form a majority government will be next to impossible. That is, of course, considerably more easily said than done. Conceived as a temporary vehicle to engineer a victory for the Yes side in an eventual referendum on sovereignty, the Bloc has proved to be a remarkably resilient political force. Indeed, over time, it has successfully bridged the contradiction inherent in its presence in Parliament. While notionally a sovereigntist party, the Bloc campaigns and behaves as the voice of Quebecers in the House of Commons. Its success at delivering that message to voters may have weakened the cause of sovereignty by legitimizing the very institutions it aims to reject, but it has also crystallized the Bloc’s presence and role in the Parliament of Canada.

Given its overwhelming regional force, the weakening of the Bloc is therefore quite likely a necessary condition for a return to majority governments at the federal level, but it may not be a sufficient one. First, there is no guarantee that another coalition — be it regional or issue-based — might not emerge in the relatively near future to

further challenge the status quo. With climate change establishing itself as a priority public policy issue in the mind of voters, and despite the fact that it has not yet elected its first MP, the Green Party is often cited as an obvious likely candidate. To be sure, the Greens have a long way to go before they become a significant force in Parliament, but political circumstances and electoral dynamics can have a transformative impact on the party system in a very short time — after all, on the first day of the 1993 general election, who in the Ottawa establishment would have predicted the success of the Reform Party or the Bloc not eight weeks later?

More interestingly, there is growing anecdotal evidence that voters might not disapprove of minority governments at all. Notwithstanding recent polls showing majority support for a majority government, the longer-term trends in public opinion data point to a growing desire not to give any one party the ability to govern unilaterally for four years. The unchecked power of a majority government may not, in fact, be as appealing to voters as it might have been. In contrast to the most recent polls referred to above (taken, incidentally, at the height of the “showdown on the Hill” earlier this fall), most polls taken, outside moments of parliamentary crisis since 2004 actually paint a very different picture of public attitudes toward minori-

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ty governments. Provided the government and the opposition parties can make Parliament work, Canadians seem quite content to compel political leaders to negotiate and seek consensus to see their agendas through the legislative process.

Moreover, a growing number of Canadians also support the notion of smaller parties gaining representation in parliaments and legislatures, despite

what the consequences might be for the makeup of Parliament and the stability of governments. Acknowledging the persistent disconnect between votes and seats, they recognize that our legislatures are not always an accurate reflection of the public will, and are advocating a change in the way our representatives are elected to our legislatures. As of yet, that point of view is not yet in the majority, but after two referendums on electoral reform in British Columbia, one in Ontario and major commissions of study in at least four other provinces, it is not likely that electoral reform will go away anytime soon. Indeed, it is doubtful any of these provincial governments, having been successful as a result of the status quo, would have engaged on the issue at all if it did not enjoy some support in the public.

So if the party system might not automatically create the conditions for the election of a majority government, and if voters don’t seem to be clamouring for majorities (so long as we avoid making elections an annual tradition, of course), what now? Eventually, a majority government will be elected, but how do we make minorities work in the meantime?

Since 2004, experts and observers have argued that the timing is ideal to review the standing orders of Parliament and the legislative processes to see how Parliament can be made to work better. Recalling, as Norquay does

in his article, the golden age of minorities of the 1960s — which led to, among other achievements, universal health care, Canada’s pension plans, official language policy, the unification of our armed forces and the flag — these analysts have focused on issues like the structure of committees, the legislative process and freer votes in the House.

To be sure, specific improvements can and indeed should be made in all

those areas. The research has been conducted, the evidence is compelling, and it is high time we simply got on with many of these reforms. In fact, ironically, as a result of the minority House, the opposition could have sim-

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ply gone ahead and implemented many of these changes long ago.

What we are likely to find, however, is that the House of Commons might work better at an operational level, but we are not likely to make a significant dent in the productivity of Parliament and the stability of minorities until we shift significantly how we think about Parliament, its role and responsibilities, and its relationship to government. Canadians react negatively not to minorities per se, but rather to the constant threat of elections, so how do we deal with that?

Perhaps the best way to increase the stability of minority governments in future is to give ourselves a remedial course on what Parliament’s role was supposed to be at its origin. Nowadays, Parliament is all too often reduced to an audition for government. The sole purpose of a party is to form a government at the first opportunity. The only ambition of an MP is to be sworn in as a member of cabinet. Other parliamentary functions such as committee member, chair or parliamentary secretary are seen as means to assess a member’s potential as a minister, or as a partial demotion for an underperforming or gaffe-prone minister. One plays these roles either on the way up or on the way down, but with few exceptions, they are not sought after as goals in themselves.

As Senator Lowell Murray, the dean of the Senate and a long-time advocate of parliamentary reform, has often said, Parliament needs to be reminded that it is not there to govern, it is there to hold to account those

who do. Despite its greater numbers in a minority House, the opposition parties must acknowledge that they did not earn the right to govern. As Her Majesty’s Loyal Opposition, they have a duty to oppose, but implicit in that

duty is a responsibility to assess the government’s proposals on their merit rather than by partisan calculation. In order for Parliament to work, and to achieve better policy and legislative outcomes, the “duty to oppose” must rest on notions of answerability, accountability and constructive disagreement — not blind opposition.

Similarly, there is no question that success at the polls gives a party the moral authority to form a government and act on its agenda. Having campaigned on a set of ideas and having received the most support from the public, the party in power should be given a reasonable chance to implement its platform. That said, the government’s right to govern is circumscribed by its obligation to seek and retain the confidence of the House. Particularly in a minority House, it did not earn from voters the right to govern unilaterally, and the government’s approach to Parliament should reflect that. With the exception of a few initiatives that must be considered matters of confidence, minority governments in future should have the self-confidence and maturity to take an issue in draft form to Parliament and seek its input. Parliament should not do the job of government, but through its work in committee it can be an effective think tank for policy challenges and focus group for specific legislative proposals.

In this respect, the House could do worse than to take lessons from the much-maligned Senate, whose policy contributions in any recent session of Parliament far outweigh those of the

Commons. Moreover, minority governments should also acknowledge that Parliament’s duty to scrutinize falls on every one of its members, not solely those who sit across the aisle. By taking the example of the British Parliament, in which backbench government MPs have a much greater ability to exercise their role as watchdogs, minority governments in Canada could take the partisan sting out of parliamentary oversight by allowing their own backbench members to take part in the effort.

Redrawing that line between the legislative and executive functions of government will take time and effort. Observers of politics in the media and elsewhere will have to be compelled to view a negotiated outcome, or one that differs significantly from the first draft, as a sign of strength rather than weakness. Opposition parties will have to take seriously the contribution they can make to the legislative agenda and engage government proposals constructively. And governments will have to have the courage of an open mind. A tall order indeed, but one that is essential if we are to rediscover the value of Parliament’s role and re-establish its legitimacy and independence from government. Only then will we have created the circumstances in which our leaders are not compelled to pull the electoral trigger at the first sign of momentum.

As long as the government retains the confidence of the House, federal law provides for the next general election to be held in October 2012. Rather than precipitate our next trip to the polls, perhaps it is time to focus on the long game, rediscover Parliament, and make it work *as a parliament*. That would be a worthwhile contribution to future governments — minority or majority.

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